

Order

**Michigan Supreme Court
Lansing, Michigan**

February 14, 2007

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ADM File No. 2002-09

Adoption of Rules
3.904 and 5.738a of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, new Rules 3.904 and 5.738a of the Michigan Court Rules are adopted as follows, effective May 1, 2007.

Rule 3.904. Use of Interactive Video Technology.

- (A) Facilities. Courts may use two-way interactive video technology to conduct the proceedings outlined in subrule (B).
- (B) Hearings.
 - (1) Delinquency Proceedings. Two-way interactive video technology may be used to conduct hearings in which the court does not order a more restrictive placement or more restrictive treatment, and may be used to conduct preliminary hearings under MCR 3.935(A)(1), postdispositional progress reviews, and dispositional hearings.
 - (2) Child Protective Proceedings. Two-way interactive video technology may be used to conduct preliminary hearings or review hearings.
- (C) Mechanics of Use. The use of two-way interactive video technology must be conducted in accordance with any requirements and guidelines established by the State Court Administrative Office. All proceedings at which such technology is used must be recorded verbatim by the court.

Rule 5.738a Use of Interactive Video Technology

- (A) Probate courts may use two-way interactive video technology to conduct the proceedings outlined in subrule (B).
- (B) Hearings. Probate courts may use two-way interactive video technology to conduct hearings concerning initial involuntary treatment, continuing mental health treatment, and petitions for guardianship involving persons receiving treatment in mental health facilities.
- (C) Mechanics of Use. The use of two-way interactive video technology must be conducted in accordance with any requirements and guidelines established by the State Court Administrative Office. All proceedings at which such technology is used must be recorded verbatim by the court.

Staff comment: Rule 3.904, effective May 1, 2007, allows courts to use interactive video technology during the specified delinquency and child protective proceedings, if the court does not order more restrictive placement or treatment.

Rule 5.738a, effective May 1, 2007, allows courts to use interactive video technology to conduct hearings concerning initial involuntary treatment, continuing mental health treatment, and petitions for guardianship involving persons receiving treatment in mental health facilities.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 14, 2007

Corbin R. Davis
Clerk